



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: December 1, 2011

CBCA 461, 1158, 1243, 1265

P.J. DICK, INCORPORATED,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Lawrence M. Prosen and Brian Cohen of K&L Gates LLP, Washington, DC, counsel for Appellant.

Dalton F. Phillips and Lesley M. Busch, Office of General Counsel, General Services Administration, Washington, DC; and Timothy C. Tozer, Office of Regional Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **GOODMAN**, **BORWICK**, and **McCANN**.

GOODMAN, Board Judge.

In these consolidated appeals, appellant P.J. Dick, Inc., appealed decisions of a contracting officer of respondent General Services Administration (GSA), arising from its contract for construction of the National Oceanic & Atmospheric Administration/ NESDIS Satellite and Operations Facility located in Suitland, Maryland (the project).

On November 30, 2011, the parties filed a joint motion for stipulated award and dismissal with prejudice, stating in part that:

Appellant and Respondent have agreed that, in full and final settlement of all claims which arose out of the construction of [the project]. Appellant and Respondent request that the Board enter Judgment for Appellant in the above-referenced appeals in the total sum of \$904,053, consisting of a payment of the remaining contract balance from GSA project funds, totaling \$37,038.17 and \$867,014.00 to be paid from the Judgment Fund.¹ Interest shall be paid on only \$720,000.00 based on the applicable Contract Disputes Act rate, beginning June 4, 2011 until paid along with payment of \$147,014.00 on which no interest shall be due.

In their joint motion, the parties agree that they will not seek reconsideration of or relief from this Board's decision awarding judgment, and that they will not appeal the Board's decision.

Decision

Accordingly, these appeals are **GRANTED IN PART**. In accordance with the parties' motion, the Board awards the total sum of \$904,053, with \$867,014 to be paid from the judgment fund. As to the amount paid from the judgment fund, interest will accrue only on \$720,000 in accordance with the Contract Disputes Act, if payment is not made within the time period specified in the motion, and no interest will accrue on the additional amount of \$147,014. 31 U.S.C. § 1304 (2006).

ALLAN H. GOODMAN
Board Judge

We concur:

ANTHONY S. BORWICK
Board Judge

R. ANTHONY McCANN
Board Judge

¹The parties have rounded these amounts up to the next dollar.

